

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

JAMES SMITH,

Plaintiff,

v.

Case No. 24-12652

Hon. Jonathan J.C. Grey

Magistrate Judge Curtis Ivy, Jr.

HEIDI WASHINGTON et al.,

Defendants.

\_\_\_\_\_ /

**ORDER ADOPTING REPORT AND  
RECOMMENDATION (ECF No. 40)**

Pro se plaintiff James Smith filed this 42 U.S.C. § 1983 lawsuit against defendants Heidi Washington, Russ Marian, Beverly Smith, Maribeth Zeller, andCarolynn Wilson, alleging that defendants violated his constitutional rights when unlawfully revoking his parole. (ECF No. 1). This matter comes before the Court on Magistrate Judge Curtis Ivy, Jr.'s Report and Recommendation dated June 30, 2025. (ECF No. 40.) In the Report and Recommendation, the Magistrate Judge recommends that the Court dismiss James Smith's cause of action against Zeller, Washington, Marian, and Beverly Smith due to James Smith's failure to prosecute, including failing to respond to: (a) those defendants' motions

to dismiss (ECF Nos. 6, 23); (b) the Court's multiple orders to respond to the motion to dismiss (ECF Nos. 10, 24, 34, 38); and (c) the Court's order to show cause why the case should not be dismissed for failure to prosecute. (ECF No. 39.) No party has filed an objection to the Report and Recommendation.

The Court has had an opportunity to review this matter and finds that the Magistrate Judge reached the correct conclusions for the proper reasons. Finding no error in the Magistrate Judge's Report and Recommendation, the Court adopts the Report and Recommendation in its entirety. Furthermore, as neither party has raised an objection to the Report and Recommendation, the Court finds that the parties have waived any further objections to the Report and Recommendation. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987) (a party's failure to file any objections waives his or her right to further appeal); *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

For the reasons stated above, **IT IS ORDERED** that the Report and Recommendation dated June 30, 2025 (ECF No. 40) is **ADOPTED** as this Court's findings of fact and conclusions of law.

**IT IS FURTHER ORDERED** that this cause of action is  
**DISMISSED WITH PREJUDICE** as to defendants Zeller, Washington,  
Marian, and Smith.

**SO ORDERED.**

Dated: July 25, 2025

**s/Jonathan J.C. Grey**  
**JONATHAN J.C. GREY**  
**UNITED STATES DISTRICT JUDGE**

**Certificate of Service**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First-Class U.S. mail addresses disclosed on the Notice of Electronic Filing on July 25, 2025.

**s/ S. Osorio**  
Sandra Osorio  
Case Manager